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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,639	10/08/2003	Qinwei Shi	12927-7 LAB	6090
24223 SIM & MCBUI	7590 01/08/201 RNEY	EXAMINER		
330 UNIVERS		YU, MELANIE J		
6TH FLOOR TORONTO, OI	N M5G 1R7	ART UNIT	PAPER NUMBER	
CANADA			1641	
			MAIL DATE	DELIVERY MODE
			01/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/681,639	SHI, QINWEI		
Examiner	Art Unit		
MELANIE YU	1641		

2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (e)), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 2. ☐ Applicant's reply has overcome the following rejection(s): Solve the proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). Note: Of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) ejected: 1,2.5-7.10-13.20-26 and 33-39. Claim(s) withdrawn from consideration: 3,4.8.9.14-19.22.23 and 27-32. AFFIDAVIT OR OTHER EVIDENCE 3. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR		MELANIE YU	1641	
 I. The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid beandomment of this application, applicant must intelly file one of the following replice; (f) an amendment, affidativ, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following give priority. a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires on; (1) the mailing date of the final rejection. b) Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for The FINAL RELECTION. See MFEP 708.07(1). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 708.07(1). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 708.07(1). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 708.07(1). Examiner Note: If box 1 is checked, check either box (a) or (b) or (b) or (c) or	The MAILING DATE of this communication appe	ars on the cover shee	et with the correspondence a	ddress
 I. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avious abandonment of this application, applicant must intelly file one of the following replies: (1) an amendment, affauty, or other avious abandonment of this application, application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.11; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Provided the following time period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILEB WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 708.07(f). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILEB WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 708.07(f). Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILEB WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 708.07(f). Examiner Note: If box 1 is checked, check either box (a) or (b) or (b) or (c) or (c	THE REPLY FILED 22 December 2009 FAILS TO PLACE THIS	S APPLICATION IN CO	NDITION FOR ALLOWANCE	
a)	1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apperent for Continued Examination (RCE) in compliance with 37 C	the same day as filing replies: (1) an amendmeal (with appeal fee) in	a Notice of Appeal. To avoid a ent, affidavit, or other evidenc compliance with 37 CFR 41.31	bandonment of this e, which places the ; or (3) a Request
no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1.5 scheeked, check either bus (a) or (b). ONLX CHECK BOX (b) WHEN THE FIRST REFLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee naive 5 center of the filed form. (1) the expiration date of the shortened statutory period for reply originally set infal Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). SOTICE OF APPEAL If Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS If the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise has been filed, any reply and the proposed amendment (see NOTE below); (c) They raise has see on the matter (see NOTE below); (d) They present additional claims without canceling	<u></u>	of the final rejection.		
nave been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory pend for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (m), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). **MENDMENTS** 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: **See Continuation Sheet** (See 37 CFR 1.116 and 41.33(a)).** 1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 3. Applicant's reply has overcome the following rejection(s):	no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	ater than SIX MONTHS fro b). ONLY CHECK BOX (b f).	om the mailing date of the final rejon) WHEN THE FIRST REPLY WAS	ection. S FILED WITHIN TWO
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3.	filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wi	nsion thereof (37 CFR	41.37(e)), to avoid dismissal of	
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 4.	(d) ☐ They present additional claims without canceling a c	· -	of finally rejected claims.	
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See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 13. Other: /Melanie Yu/	10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the cla	aims after entry is below or atta	ached.
13. ☐ Other: /Melanie Yu/	See Continuation Sheet.	•		vance because:
	12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (13. ☐ Other:	PTO/SB/08) Paper No	(s)	

Continuation of 3. NOTE: applicant's amendment to claim 1 requires the new limitation of liquid flowing in a platform flow channel by capillary action, which would require further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: for the reasons stated in the previous office action dated 5 November 2009. Furthermore, applicant's arguments are directed to new limitations which have not been considered or entered.